

## United States Patent Application

## COMBINED DECLARATION AND POWER OF ATTORNEY

As a below named inventor I hereby declare that: my residence, post office address and citizenship are as stated below next to my name; that

I verily believe I am the original, first and sole inventor (if only one name is listed below) or a joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **"BIOREACTORS WITH SUBSTANCE INJECTION CAPACITY."**

The specification of which

- a. ☐ is attached hereto  
b. ☒ was filed on February 24, 2005 as application serial no. \_\_\_\_\_ and was amended on \_\_\_\_\_ (if applicable) (in the case of a PCT-filed application) described and claimed in international no. \_\_\_\_\_ filed \_\_\_\_\_ and as amended on \_\_\_\_\_ (if any), which I have reviewed and for which I solicit a United States patent.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119/365 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on the basis of which priority is claimed:

- a. ☒ no such applications have been filed.  
b. ☐ such applications have been filed as follows:

FOREIGN APPLICATION(S), IF ANY, CLAIMING PRIORITY UNDER 35 USC § 119			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)
ALL FOREIGN APPLICATION(S), IF ANY, FILED BEFORE THE PRIORITY APPLICATION(S)			
COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	DATE OF ISSUE (day, month, year)

I hereby claim the benefit under Title 35, United States Code, § 120/365 of any United States and PCT international application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. APPLICATION NUMBER	DATE OF FILING (day, month, year)	STATUS (patented, pending, abandoned)
PCT/US2003//026800	27 August 2003	

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

U.S. PROVISIONAL APPLICATION NUMBER	DATE OF FILING (Day, Month, Year)
60/406,278	27 August 2002

I acknowledge the duty to disclose information that is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations, § 1.56 (reprinted below):

**§ 1.56 Duty to disclose information material to patentability.**

(a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all information known to that individual to be material to patentability as defined in this section. The duty to disclose information exists with respect to each pending claim until the claim is canceled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is canceled or withdrawn from consideration need not be submitted if the information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclose all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§ 1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or intentional misconduct. The Office encourages applicants to carefully examine:

- (1) prior art cited in search reports of a foreign patent office in a counterpart application, and
- (2) the closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.

(b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

- (1) It establishes, by itself or in combination with other information, a prima facie case of unpatentability of a claim;

or

- (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facie case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

(c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:

- (1) Each inventor named in the application;
- (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.

(d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.

(e) In any continuation-in-part application, the duty under this section includes the duty to disclose to the Office all information known to the person to be material to patentability, as defined in paragraph (b) of this section, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby appoint the following attorney(s) and/or patent agent(s) connected herewith the following customer number to prosecute this application and to transact all business in the Patent and Trademark Office:

**CUSTOMER NO.**  
**\*24728\***

I hereby authorize them to act and rely on instructions from and communicate directly with the person/assignee/attorney/firm/organization who/which first sends/sent this case to them and by whom/which I hereby declare that I have consented after full disclosure to be represented unless/until I instruct Morris, Manning & Martin, LLP to the contrary.

I understand that the execution of this document, and the grant of a power of attorney, does not in itself establish an attorney-client relationship between the undersigned and the law firm Morris, Manning & Martin, LLP, or any of its attorneys. Please direct all correspondence in this case to **Tim Tingkang Xia, Esq.** of Morris, Manning & Martin, LLP at the address associated with the following customer number:

**CUSTOMER NO.**  
**\*24728\***

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

2	Full Name Of Inventor	Family Name WIKSWO	First Given Name John	Second Given Name P.
0	Residence & Citizenship	City Brentwood	State or Foreign Country Tennessee	Country of Citizenship USA
1	Mailing Address	Address 1025 Manley Lane	City Brentwood	State & Zip Code/Country Tennessee 37027/USA
Signature of Inventor 1:				Date:
2	Full Name Of Inventor	Family Name BAUDENBACHER	First Given Name Franz	Second Given Name J.
0	Residence & Citizenship	City Franklin	State or Foreign Country Tennessee	Country of Citizenship USA
2	Mailing Address	Address 182 North Berwick Lane	City Franklin	State & Zip Code/Country Tennessee 37069/USA
Signature of Inventor 2:				Date:
2	Full Name Of Inventor	Family Name HASELTON	First Given Name Frederick	Second Given Name R.
0	Residence & Citizenship	City Nashville	State or Foreign Country Tennessee	Country of Citizenship USA
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Signature of Inventor 3:				Date:

2	Full Name Of Inventor	Family Name <b>HOFMEISTER</b>	First Given Name <b>William</b>	Second Given Name <b>H.</b>
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Signature of Inventor 4:				Date:
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5	Mailing Address	Address <b>9017 Demery Court</b>	City <b>Brentwood</b>	State & Zip Code/Country <b>Tennessee 37027/USA</b>
Signature of Inventor 5:				Date:
2	Full Name Of Inventor	Family Name <b>McCAWLEY</b>	First Given Name <b>Lisa</b>	Second Given Name <b>J.</b>
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6	Mailing Address	Address <b>7439 Highway 70 S., Apt. 181</b>	City <b>Nashville</b>	State & Zip Code/Country <b>Tennessee 37221/USA</b>
Signature of Inventor 6:				Date:
2	Full Name Of Inventor	Family Name <b>STREMLER</b>	First Given Name <b>Mark</b>	Second Given Name <b>A.</b>
0	Residence & Citizenship	City <b>Franklin</b>	State or Foreign Country <b>Tennessee</b>	Country of Citizenship <b>USA</b>
7	Mailing Address	Address <b>2005 Cedarmonst Drive</b>	City <b>Franklin</b>	State & Zip Code/Country <b>Tennessee 37067/USA</b>
Signature of Inventor 7:				Date:
2	Full Name Of Inventor	Family Name <b>WEAVER</b>	First Given Name <b>Alissa</b>	Second Given Name
0	Residence & Citizenship	City <b>Nashville</b>	State or Foreign Country <b>Tennessee</b>	Country of Citizenship <b>USA</b>
8	Mailing Address	Address <b>2608 Oakland Avenue</b>	City <b>Nashville</b>	State & Zip Code/Country <b>Tennessee 37212/USA</b>
Signature of Inventor 8:				Date:

**GENERAL POWER OF ATTORNEY  
CONCERNING INTERNATIONAL PATENT APPLICATIONS  
PATENT COOPERATION TREATY  
APPOINTMENT OF AGENT**

The undersigned applicant(s) hereby appoints:

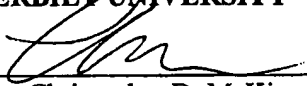
XIA, Tim Tingkang	Reg. No. 45,242
HARRIS, John. R.	Reg. No. 30,388
TODD, Jack D.	Reg. No. 44,375
TILLMAN, Chad. D.	Reg. No. 38,634
ANDERSON, Brian J.	Reg. No. 43,470
STANO, Dana E.	Reg. No. 50,750
MACDONALD, Brian D.	Reg. No. P-54,288

MORRIS, MANNING & MARTIN, LLP  
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(704) 554-8982 (Charlotte)

as agents to act on its behalf before the competent International Authorities in connection with any and all International applications filed under the Patent Cooperation treaty in the U.S. Receiving Office, and to receive payments on behalf of the undersigned.

Nashville, Tennessee, USA    Feb. 13    , 2004  
Place: City, State & Country    Date

**VANDERBILT UNIVERSITY**

By:   
Name: Christopher D. McKinney  
Title: Director

**GENERAL POWER OF ATTORNEY  
CONCERNING INTERNATIONAL PATENT APPLICATIONS  
PATENT COOPERATION TREATY  
APPOINTMENT OF AGENT**

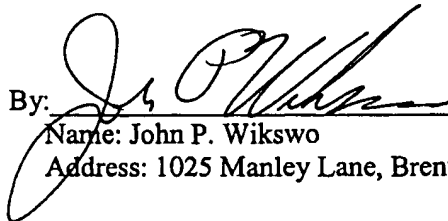
The undersigned applicant(s) hereby appoints:

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HARRIS, John. R.	Reg. No. 30,388
TODD, Jack D.	Reg. No. 44,375
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as agents to act on its behalf before the competent International Authorities in connection with the International Application concerning "BIOREACTORS WITH SUBSTANCE INJECTION CAPACITY," Attorney Docket No. 14506-44091, which was filed in the U.S. Receiving Office on 27 August 2003, under Application No. PCT/US03/26800.

Nashville TN USA      15 July 04, 2004  
Place: City, State & Country      Date

By:   
Name: John P. Wikswo  
Address: 1025 Manley Lane, Brentwood, Tennessee 37027

**GENERAL POWER OF ATTORNEY  
CONCERNING INTERNATIONAL PATENT APPLICATIONS  
PATENT COOPERATION TREATY  
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New Orleans, Louisiana, Germany 16<sup>th</sup> July, 2004  
Place: City, State & Country      Date

By: Franz J. Baudenbacher  
Name: Franz J. Baudenbacher  
Address: 182 North Berwick Lane, Franklin, Tennessee 37069

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Nashville, TN, USA      7/20/04, 2004  
Place: City, State & Country      Date

By: Frederick R. Haselton  
Name: Frederick R. Haselton  
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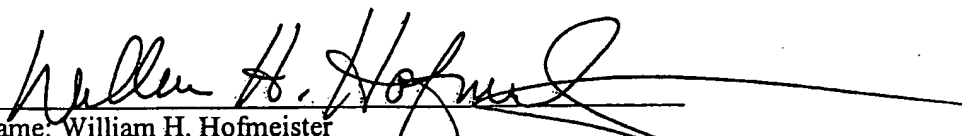
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Nashville TN USA 7/19, 2004  
Place: City, State & Country                      Date

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Nashville, TN, USA      7-13, 2004  
Place: City, State & Country      Date

By:   
Name: Charles P. Lin  
Address: 9017 Demery Court, Brentwood, Tennessee 37027

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*USA*  
*Nashville, TN, Davidson County* *July 19<sup>th</sup>*, 2004  
Place: City, State & Country      Date

By: *Lisa McCawley*  
Name: Lisa McCawley  
Address: 7439 Highway 70 S., Apt. 181, Nashville, Tennessee 37221

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<u>Franklin, TN, USA</u>	<u>July 19</u> , 2004
Place: City, State & Country	Date

By: Mark A. Strel  
Name: Mark A. Stremmler  
Address: 2005 Cedarmon Drive, Franklin, Tennessee 37067

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Nashville, TN, USA July 20, 2004  
Place: City, State & Country      Date

By: Alissa Weaver  
Name: Alissa Weaver  
Address: 2608 Oakland Avenue, Nashville, Tennessee 37212